

**From:** Beggs, Brian  
**Sent:** Monday, March 30, 2020 3:55 PM EDT  
**To:** Jay Justice  
**CC:** Diers, Clinton; Sentman, Jeremy; Steve Ball; Hennesy, Pat  
**Subject:** RE: Proposal

We have reconsidered our position and will agree to reduce the full premium installment for the next three installments to \$135,000 per installment and on June 15 a balloon installment of \$345,000 which represents delta between current full installment amount and revised amount of \$135,000 (\$115,000 per installment times three equals \$345,000).

We are drafting a new amendment and will forward to you for your signature.

Jay, we appreciate the current environment is somewhat unique but I want to make clear that we will not be receptive to any further amendments that defer or change our goals of getting our premium payments brought current or restoring the collateral account

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**From:** Jay Justice <jcj3@bluestone-coal.com>  
**Sent:** Wednesday, March 25, 2020 5:38 PM  
**To:** Beggs, Brian <bbeggs@sompo-intl.com>  
**Cc:** Diers, Clinton <clint.diers@marshmma.com>; Sentman, Jeremy <JSentman@sompo-intl.com>; Steve Ball <steve.ball@bluestone-coal.com>; Hennesy, Pat <phennesy@sompo-intl.com>  
**Subject:** Re: Proposal

EXTERNAL SENDER

Brian:

It is going to make it very tough to continue the premium payments. Quite honestly in the wake of what's going on with the COVID-19 virus, I anticipated Sampo would be amenable to my premium payment suspension. Maybe as a middle ground, I would like to propose that for the March 31, April 30, and May 31 payments, Justice pay \$135,000 each per month with an accruing \$125,000 each per month (total \$375,000 accruing) be payable in a lump sum on June 15 to get us back on track. We are obviously hopeful that coal shipments are more normalized by June.

As for the DHL and Alabama-Spire gas issues, I think we are making headway. Within a week or so, we should have the Spire gas issue resolved and removed from the Sampo docket. I have given our attorney (Aaron Houchins) authority to settle the DHL, banking on those funds coming from our Sampo collateral account. As a placeholder, let's assume that to be \$950,000 that I will be requesting Sampo to distribute once I have an agreement. We will keep Jeremy apprised of these developments. As for your comment on the collateral account being smaller, I don't believe this will be the case as I have always planned for the DHL payment to be made from the collateral account. We believe that the other open claim issues will be resolved in ordinary course without any Sampo funds being needed.

Last, and perhaps the most important to note, for good or for bad the Justice family has poured **ALL** of its liquidity into backing these businesses. We have felt like this was the right thing to do, and it is not what anyone else would have done in our shoes. If there was any additional cash available, we would not be asking you guys for relief. I do believe that if we can continue working together, we can still accomplish the end goals in a positive manner. I will have Steve Ball and Aaron Houchens work with Jeremy and Pat to DHL resolved and behind us. Please let me know if my premium proposal plan will work for you. Above all, stay safe. Thanks, Jay

On Tue, Mar 24, 2020 at 12:23 PM Beggs, Brian <[bbeggs@sompo-intl.com](mailto:bbeggs@sompo-intl.com)> wrote:

Jay

Regarding the three bullet points in your email proposal

- **Sompo will not agree to suspend the premium payments.** We have been concerned with the overdue premiums for some time. Suspension of the payments not only stops progress towards reducing overdue amounts but actually adds to the balance as renewal premiums become due. Further, we will not use held collateral to pay premiums as that is contrary to the reason we hold collateral.
- **Sompo has never prohibited the settlement of the DHL claim and has been told repeatedly that the matter was resolved.** We have no objections to **Justice** settling the DHL issue and **using a portion of the** collateral funds **held by Sompo** to do so. This has been an open item for some time and we want to see it resolved. Please work with Jeremy on the details
- The collateral account will be significantly smaller after the open claims are resolved. This leaves less dollars to relieve exposures but we would like to proceed with the process. Once again, please work with Jeremy and Pat

We certainly appreciate the strains recent events are placing on your industry. It is fortunate your firm has significant backing to help weather the current storm and suggest that backing may provide a solution.

Brian

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**From:** Jay Justice <[jcj3@bluestone-coal.com](mailto:jcj3@bluestone-coal.com)>

**Sent:** Friday, March 20, 2020 12:20 PM

**To:** Diers, Clinton <[clint.diers@marshmma.com](mailto:clint.diers@marshmma.com)>; Beggs, Brian <[bbeggs@sompo-intl.com](mailto:bbeggs@sompo-intl.com)>; Sentman, Jeremy <[JSentman@sompo-intl.com](mailto:JSentman@sompo-intl.com)>

**Cc:** Steve Ball <[steve.ball@bluestone-coal.com](mailto:steve.ball@bluestone-coal.com)>

**Subject:**

EXTERNAL SENDER

Guys, it's been a few weeks since we last spoke. Obviously, the world has been turned upside down in this same period of time. It would be an understatement to say that the virus, stock market plunge, and oil price collapse aren't taking a terrible toll on our coal businesses. Because of all the aforementioned, we are going to need some additional relief from Sompo to weather this storm. In trying to be as thoughtful as possible about Sompo's needs, I would propose the following as a short-term bridge until the world rights itself:

- Sompo would suspend premium payments for a period of 4 months. These 4 months of skipped premium would be taken from the collateral account.
- Sompo would allow Justice to settle the DHL matter for \$950,000. \$850,000 to come from the collateral account, and \$100,000 to come from Justice. This would eliminate a significant bond/exposure at Sompo.
- Justice would like the parties to begin reclamation and bond release administrative work pursuant to the schedule provided earlier. All with Sompo's approval.

Guys, these are extraordinary times that may take extraordinary measures and extraordinary creativity to all work through together. We still are very much committed to the Sompo relationship and a very positive final outcome for the bonds and our overall broader businesses. Although I would very much like to meet in person, that is likely not the smart to do at this time. So please let me know when you all could be available for a phone call early next week to work on a plan. Thanks, Jay

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**James C. "Jay" Justice III**  
**President & CEO**

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**James C. "Jay" Justice III**

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